

Approved February 28, 2008

Spencer County Plan Commission
Meeting Minutes
January 24, 2008

The Spencer County Plan Commission held its monthly meeting on Thursday January 24, 2008. Members in attendance were Nathan Helms, Pete Rapp, Rex Winchell, Charlie Waninger, Robert Cochenour, Steve Sisley, Scott Sublett and Phil Schmidt. Absent Al Logsdon.

Chairman Nathan Helms called the meeting to order at 6:00pm. A copy of November and December minutes that were mailed out stand approved as presented. First order of business was election of officers. Bobby Cochenour made a motion to re-appoint Nathan Helms as Chairman, 2nd by Rex Winchell, all in favor. Motion carried. Scott Sublett made motion to elect Rex Winchell as Vice-Chairman, Bobby Cochenour 2nd, all in favor. Motion carried. Bobby Cochenour made motion to continue with John Wetherill as council, Charlie Waninger 2nd, all in favor. Motion carried. Phil Schmidt made a motion to re-appoint Theresa Cail Administrator and re-appoint Elaine Jones as Assistant Administrator, Bobby Cochenour 2nd, all in favor, Motion carried.

Chairman Helms said under old business the board needed to discuss the Subdivision exemption. His recommendation is to remove exempt division 3. It has caused problems with roads, erosions and drainage problems. Attorney Wetherill stated if we take out Exempt 3 in it's entirety he believes it would lead to more variances being applied for, but doesn't think that would be a bad thing. Helms stated if a person comes before us for an exception, it's reviewed on a case by case basis, which gives Plan Commission control. We don't have control if it's left in since the applicant is conforming to the current ordinance. Administrator Cail asked if we need to set guide lines when we grant variance and when we don't if Exempt Subdivision 3 is taken out. Helms responded all situations are different and that's up to the board to defend what you do fairly. Helms asked Cail to check and see how many variances this would have created this past year. Attorney Wetherill said when a Variance comes into the office, our current Ordinance on page 96 reads-"The Board shall cause to be made a detailed report of all its proceedings, setting forth its reasons for its decisions."

Helms then asked each board member their thoughts on eliminating Exempt Division 3. No final decision would be made; just a discussion.

- Waninger stated 5 acres was a lot of ground to build a house on. Perhaps 2 to 3 acres is more feasible.
- Winchell stated make an additional restriction that it must be conforming to standards of drainage, and pavement type or eliminate exemption 3 and have them come under our Sub-Division Ordinance.
- Schmidt stated he was in favor of taking it out. If they build houses with road frontage, they need to develop it correctly and as a subdivision.
- Sublett agreed with Schmidt's comments.
- Sisley stated 5 acres can be in many shapes and have enough road frontage, agreed exempt 3 needs to be taken out.
- Rapp stated it would be in residents' best interest to eliminate exemption 3 that would stop duplication of shared right-of-ways.
- Cochenour stated with 5 acres, there are ways to make a sub-division without following the Sub-Division Ordinance. The intent was to make developers conform and build sub-divisions correct. He agreed it needs to be taken out.

Some of the board members will be attending the Commissioners meeting on February 19th to discuss the situation.

Cail said that, at the last Commissioners meeting for the Property Maintenance Ordinance with Debbie Steinkamp, the commissioners wanted to know if it would be possible for a piece of property to automatically be rezoned as residential when a house was built. The reason for the request is that it would help with the weed control portion of the Ordinance. After a discussion the board didn't think it would be advantageous for more stringent agricultural regulations adjoining a residential zone.

Waninger asked if Joe Atchison had been back in contact with the office. Cail answered yes, and he is following exempt 1 which is 100' foot of road frontage and an acre or more.

Motion made to adjourn the meeting by Scott Sublett, 2nd by Bobby Cochenour, all in favor.

Meeting adjourned at 6:55pm

Next meeting February 28, 2008 at 6:00pm.

ej/tc